

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

) MDL No. 1917

) Case No. 07-cv-5944 JST

This Order Relates To:

All Indirect Purchaser Actions

) **ORDER REQUIRING**
) **APPLICATION FOR ENTRY OF**
) **DEFAULT RE IRICO ENTITIES**

On June 28, 2016, the Court ordered any plaintiff in this consolidated MDL with claims against defendants Irico Display Devices Co., Ltd. and Irico Group Corporation (the “Irico Entities”) to advise the Court in writing by July 5, 2016 of the following: (1) the date on which it filed its operative claims against the Irico Entities; (2) whether the Irico Entities have been served with those claims; and (3) whether the Irico Entities have answered those claims. ECF No. 4694. If the answer to the third question was negative, the filing party was ordered to show cause why it had not requested entry of default. Id.

On July 5, 2016, the Indirect Purchaser Plaintiffs (“IPPs”) filed a response, indicating that they had filed and served claims against the Irico Entities, and that the Irico Entities had not answered those claims, but that the IPPs had not sought entry of default. ECF No. 4076. They stated that entry of default would have been premature because the damages to be sought from the Irico Entities could not be known until the conclusion of the litigation against other defendants, and that entry of default would have prejudiced the IPPs.

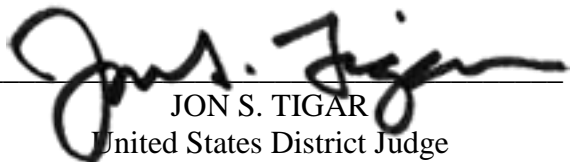
The Court concludes that there is no reason the IPPs cannot seek entry of default against the Irico Entities now. The IPPs first argument conflates entry of *default* with entry of *default*

1 judgment. Id. at 3. “The two concepts are distinct and must be treated separately.” United States v.
2 Topeka Livestock Auction, Inc., 392 F. Supp. 944, 950 (N.D. Ind. 1975). The first is a ministerial
3 act by the clerk of the court once a party has satisfied the requirements of Rule 55(a); the second
4 usually requires (and in this case will require) action by the court. Fed. R. Civ. P. 55(b). “Damages
5 must be fixed before an entry of default can become a default judgment[.]” 10A Charles Alan
6 Wright, et al., Federal Practice & Procedure § 2682 (3d ed. 1998) (footnotes omitted). In any
7 event, now that the IPP class settlement has been approved, it is time for the IPPs to reduce their
8 remaining claims to judgment. The IPPs’ second argument relies on authority from another district
9 that does not apply here. Id. (citing S.D. Cal. Civ. L.R. 55-1).

10 The IPPs are ordered to file a request for entry of default judgment within ten days of this
11 order.

12 IT IS SO ORDERED.

13 Dated: July 18, 2016

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15 
16 JON S. TIGAR
United States District Judge